

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY DeFRANCO,
Plaintiff,

V.

WILLIAM WOLFE, et al.,
Defendants.

:
: No. C.A. 04-230-E
: Magistrate Judge Baxter
: District Judge Cohill
:
:
:

FILED

'06 JUN 22 110:29

CLERK
U.S. DISTRICT COURT

PLAINTIFF'S SWORN AFFIDAVIT AUTHENTICATING HIS EXHIBITS

I HEREBY DECLARE UNDER PENALTY OF PERJURY, AND UPON MY OWN PERSONAL KNOWLEDGE, THAT THE UNDERLYING EXHIBITS ATTACHED HERETO ARE AUTHENTIC.

Exhibit "A"—Plaintiff's grievance submitted to SCI Albion, dated March 8, 2005.

Exhibit "B"—The Response to plaintiff's grievance by the Inmate Program Manager (which Mr. Barr initialed) stating plaintiff's transfer was due to litigation.

Exhibit "C"—Defendant, Superintendent Brooks Response, allowing plaintiff's return to SCI albion in resolution of the grievance.

Exhibit "D"—The transfer petition placed on plaintiff, stating that the transfer was being requested by defendant Barr, stating the separation was requested due to litigation against Barr, requested on Febraury 15, 2005 (Plaintiff did not move to make Barr a defendant until March 7, 2005, Doc.#63).

Date: 6/18/06

Respectfully Submitted,



Anthony DeFranco CZ-3518
10745 Route 18
Albion, Pa. 16475-0002

Service was made by U.S.
Class Mail this date to the
Attorney General at 564
Forbes Ave., Pgh. Pa. 15219

DC-804
Part 1COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

112276
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <i>Super / Mr. Barr</i>	FACILITY: <i>ALBION</i>	DATE: <i>3/9/05</i>
FROM: (INMATE NAME & NUMBER) <i>Anthony DeFranco 02-3518</i>	SIGNATURE OF INMATE: <i>[Signature]</i>	
WORK ASSIGNMENT: <i>at SCI - Smithfield</i>	HOUSING ASSIGNMENT: <i>at SCI - Smithfield</i>	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

This is in regards to a retaliatory transfer that I have been saying would happen for years - in which the Federal courts are aware. During a interview this date, it was told to me by SCI Smithfield officials that I was moved for making Mr. Barr a Defendant, which created a "Conflict of Interest". The DOC has moved me approx. 4 hours away from home, just as I predicted on paper previously. As Mr. Barr knows, this court action is no reason to transfer me. He distributes almost all grievances filed to other staff to handle (which I can prove). So, moving me from my home jail was strictly retaliatory, which has cost my family considerable hardship. It has cost me my top paying job, which has kept me surviving (money wise) in prison. As the DOC knows, when an inmate files suit on the Superintendent he is not automatically removed (And the Super. must review all grievance appeals). I am requesting my immediate return to SCI ALBION - IN the mean time, I would like to keep my same inmate pay that I was receiving before the retaliatory transfer which has caused all this damage.

B. List actions taken and staff you have contacted, before submitting this grievance.

Spoke w/ SCI Smithfield officials who said this is why I was moved. No law clerk job available now.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date

WHITE - Facility Grievance Coordinator Copy CANARY - File Copy PINK - Action Return Copy GOLDENROD - Inmate Copy

Revised

EXHIBIT "A"

DC-804
Part 2COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001OFFICIAL INMATE GRIEVANCE
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

112276

TO: (Inmate Name & DC No.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE
DeFranco, Anthony CZ-3518	SCI Albion	B/B 49	3/15/05

The following is a summary of my findings regarding your grievance:

Mr. DeFranco has a formal separation in place from Mr. Barr. It is felt that based on pending litigation it is in the best interest of all parties that he not be housed at SCI-Albion. No inmate has the right to determine where he or she will be housed.

Inmate was not available for signature as he is currently at SCI-Smithfield.

RESOLVED: _____ DATE: _____
Inmate's Signature

UNRESOLVED: _____ DATE: _____
Inmate's Signature

cc: Original – Ms. McWilliams
Grievance Officer
Inmate
DC-15

WAB 3-29-05

Print Name and Title of Grievance Officer	SIGNATURE OF GRIEVANCE OFFICER	DATE
Ronald J. Bryant, CCPM	<u>Bryant</u>	3/28/05

EXHIBIT "B"

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
State Correctional Institution at Albion
(814) 756-5778
May 10, 2005

**SUBJECT: APPEAL TO SUPERINTENDENT
GRIEVANCE #112276**

TO: Anthony DeFranco
CZ-3518
SCI-Smithfield

FROM: 
Marilyn S. Brooks
Superintendent

I have reviewed the original grievance and the Grievance Officer's response.

I do not find an appeal on file for 112276. However, I will allow you to be returned to SCI-Albion in resolution of the grievance.

Your transfer back to SCI-Albion will be done as a routine transfer and will be done when it can be scheduled. In anticipation of property shipment, if you are over the allowable limit and it is shipped by means other than the DOC, payment for shipping will be your responsibility.

Upon return you will be housed according to your classification.

After thorough review and evaluation, I amend the Grievance Officer's decision.

MSB/ljm

cc: Deputy Harlow
Deputy Wilkes
Mr. Bryant
Superintendent's Assistant
DC-15
File

"Our mission is to protect the public by confining persons committed to our custody in safe, secure facilities, and to provide opportunities for inmates to acquire the skills and values necessary to become productive law-abiding citizens; while respecting the rights of crime victims"



Pennsylvania Department of Corrections

Return to DocNet

dkagarise 4/20/2006 4:17:51 PM

Transfer Petition System - Permanent Petition

Production

Inmate Info \ Reports \ Photos \ JNET

DOC Info

Return to Last Inmate

Inquiry

Reports

Help

Inmate #: CZ3518 ACTIVE

Name: DEFRANCO, Anthony Wayne

Cust Lvl: 3 Prog Cd: Y,Z

Perm Loc: Smithfield

Race: White

DOB: 12/23/1963 Sex: Male

Housing Unit: C-A-1016-01

Temp Loc:

SID: 149-70-82-7

FBI #: 242913AA6 PBPP #:

Counselor:

Problematic offense:

Detainers: YES

YES

[Cancel](#)

Purpose Of Transfer: Adm./Separation

Other:

Priority Transfer: NO

 Approval Required:
 (Applies to CCC or PV return
 only)

From: ALB - ALBION

 SMI -
 To: SMITHFIELD

Requesting Official: Habursky, Christine Marie

Status: Transferred

Trip Id: 037-B1-03/08/2005

Approved by: Williamson, Donald

Request Date: 2/15/2005 11:09:10 AM

 Approval Comments: PER REVIEW BY CENTRAL
 OFFICE PSYCH. STAFF

Approval Date: 2/23/2005 2:24:50 PM

Layover Location:

History Date: 3/8/2005 3:04:57 PM

Layover Comments:

Custody Level: 3

Sentence Explanation:

Commutation: NO

Confidential Info: NO

Individual Treatment Plan: YES

Mental Health Transfer: NO

Other Info: NO

Passenger List Comments: Panic Disorder without Agoraphobia

Rationale for Transfer & Institutional Recommendations:

Serving a Life sentence for Criminal Homicide. Detainer for Simple Assault. Escape History: 1982 Escape. Completed Citizenship and is currently a peer leader for Citizenship. Needs to complete A.O.D. Education and Violence Prevention. An Administrative/Separation transfer is being requested due to litigation against William Barr, SCI-Albion's Superintendent's Assistant. Mr. Barr is the Institutional Grievance Coordinator and doesn't want any potential problems between this inmate and future potential grievances.

EXHIBIT "D"

Handwritten signature/initials